

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Proposed Policies and Programs  
Governing post-2003 Low-Income Assistance  
Programs.

Rulemaking 04-01-006  
(Filed January 8, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING LATINO ISSUES FORUM'S NOTICE  
OF INTENT TO CLAIM COMPENSATION**

**Summary**

Pursuant to Pub. Util. Code §§ 1801-12, Latino Issues Forum (LIF) filed a Notice of Intent (NOI) on February 13, 2004, to claim compensation for its participation in this proceeding. After consultation with the Assigned Commissioner, I find in this ruling that LIF's NOI is timely, that LIF is a customer under the intervenor compensation statute, and that it has set forth the nature and extent of its participation and itemized its proposed fees and costs. It defers ruling on whether LIF has demonstrated financial hardship, as allowed by the intervenor compensation statute. Finally, it makes clear that the ruling is limited to whether LIF may seek compensation for work related to Rulemaking (R.) 04-01-006. The timeliness and appropriateness of all NOIs and requests for intervenor compensation related to the predecessor Low-Income Energy Efficiency (LIEE) and CARE proceedings (R.01-08-027 and Application (A.) 02-07-001 *et seq.*) will be determined with reference to events in the latter proceedings, and not to events in R.04-01-006.

### **Timeliness of Filing**

Under § 1804(a)(1), “[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation.” Here, the first prehearing conference will not occur until May 18, 2004, so LIF’s NOI is early. That is acceptable under the statute, and we therefore find LIF’s filing to be timely.

### **Customer Status**

LIF must demonstrate that it is a customer, as defined in Section 1802(b) and identify whether it is a participant representing consumers, or a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers.

LIF is a 501(c)(3) organization authorized by its bylaws to represent latino, low-income, immigrant and other vulnerable communities. This proceeding directly affects low-income residential customers, whose interests are often underrepresented in Commission proceedings. We find that LIF meets the last definition of customer, as defined in Section 1802(b).

### **Financial Hardship**

LIF’s NOI states an intent to defer a showing of financial hardship until it seeks intervenor compensation. Deferral is appropriate under the statute, so we defer ruling on the issue.

### **Nature and Extent of Planned Participation**

Section 1804(a)(2)(A)(i) requires a statement of the nature and extent of the customer’s planned participation in the proceeding to the extent this can be predicted. LIF plans to focus its participation on LIEE and CARE issues related

to deployment efforts, pending energy efficiency program evaluation, evaluation of utilities' success in meeting CARE penetration goals, automatic enrollment implementation, low-income policies, and the completion of the pending needs assessment on low-income programs. LIF's statement is adequate.

### **Itemized Estimate of Compensation**

Section 1804(a)(2)(A)(ii) requires an itemized estimate of the compensation the customer expects to receive. LIF estimates a budget of \$64,875 for this case, based on proposed hourly rates of attorneys, experts, and on projected costs. It does not itemize those costs by issue, but will be required to do so in its request for compensation.

### **Scope of Participation Eligible for Compensation**

This ruling allows LIF to seek compensation only for work related to R.04-01-006. The timeliness and appropriateness of all NOIs and requests for intervenor compensation related to the predecessor LIEE and CARE proceedings (R.01-08-027 and A.02-07-001 *et seq.*) will be determined with reference to prehearing conferences and decisions in the latter proceedings, and not to events in R.04-01-006.

### **IT IS RULED** that:

1. Latino Issues Forum (LIF) is a "customer" as that term is defined in Section 1802(b).
2. LIF has deferred a showing of financial hardship.

3. This ruling allows LIF to seek compensation only for work related to Rulemaking (R.) 04-01-006. The timeliness and appropriateness of all Notices of Intent (NOI) and requests for intervenor compensation related to the predecessor Low-Income Energy Efficiency and CARE proceedings (R.01-08-027 and Application 02-07-001 *et seq.*) will be determined with reference to prehearing conferences and decisions in the latter proceedings, and not to events in R.04-01-006.

Dated April 5, 2004, at San Francisco, California.

/s/ SARAH R. THOMAS

Sarah R. Thomas  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Latino Issues Forum's Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated April 5, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.